IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:06CV308-1-MU

JOSEPH MICHAEL GRIFFITH,)	
Plaintiff,)	
v.)	<u>ORDER</u>
S.A. BIRD, et al.,)	
Defendants.)	

THIS MATTER comes before the Court upon Defendants' Motion for Protective Order, filed November 8, 2006; Plaintiff's Motion to Compel, filed November 14, 2006; and Defendants' Motion for Enlargement of Scheduling Order, filed November 22, 2006.

On July 27, 2006, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983 alleging a violation of his federal constitutional right to free exercise of the Wicca religion. On September 27, 2006, Defendants filed an Answer asserting, among others, a defense of qualified immunity.

The Defendants have filed a motion requesting that this Court issue a protective order staying their need to respond to Plaintiff's discovery requests. As stated above, Defendants have asserted a defense of qualified immunity. Consequently, the Court finds that to engage in discovery at this point would be unduly burdensome and would deprive the Defendants of the benefit of immunity.

For the same reason this Court is granting Defendants a protective order, Plaintiff's Motion to Compel is denied.

On September 28, 2006, this Court issued an Order directing that the parties must file all

dispositive motions by October 28, 2006. Defendants have requested an extension of time in which to file a dispositive motion. For good cause shown, Defendants' motion is granted.

IT IS THEREFORE ORDERED THAT:

- 1. Defendants' Motion for a Protective Order is GRANTED;
- 2. Plaintiff's Motion to Compel is DENIED.
- 3. Defendants' Motion for Enlargement of Scheduling Order is GRANTED and the parties have until December 15, 2006, in which to file a dispositive motion.

Signed: November 29, 2006

Graham C. Mullen

United States District Judge